Software Rights Archive, LLC v. Google Inc. et al Doc. 165

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

THE APPLE IPOD ITUNES ANTI-TRUST LITIGATION	Lead Case No. C-05-00037-JW(RS)
	CLASS ACTION
This Document Relates To: ALL ACTIONS.	[PROPOSED] ORDER APPOINTING COUGHLIN STOIA GELLER RUDMAN & ROBBINS LLP AND THE KATRIEL LAW FIRM AS CO-LEAD CLASS COUNSEL
	JUDGE: Hon. James Ware DATE: November 10, 2008 TIME: 9:00 a.m. CTRM: 8-4th Floor

Dockets.Justia.com

Pursuant to Fed. R. Civ. P. 23(g), plaintiffs Melanie Tucker, Mariana Rosen, and Somtai Troy Charoensak move this Court for an appointment of Coughlin Stoia Geller Rudman & Robbins LLP ("Coughlin Stoia") and The Katriel Law Firm as co-lead class counsel. After considering the materials submitted, the arguments of counsel, and the record in this case, the Court finds:

1. Coughlin Stoia and The Katriel Law Firm will fairly and adequately represent the interests of the proposed class (the "Class") within the meaning of Fed. R. Civ. P. 23(g)(1)(B);

2. Coughlin Stoia and The Katriel Law Firm have investigated the facts and legal theories on behalf of its clients and the Class; and

3. Coughlin Stoia and The Katriel Law Firm have the experience in complex litigation, knowledge of antitrust law, and financial resources necessary to represent the Class.

FOR GOOD CAUSE SHOWN, it is ordered that the motion to appoint Coughlin Stoia and The Katriel Law Firm as class counsel shall, in its discretion:

1. Direct the prosecution of this litigation and coordinate the work of all plaintiffs' counsel in a manner that assures that the litigation is prosecuted effectively and efficiently;

2. Be responsible for all briefing and oral argument, and present the position of plaintiffs and the Class (either personally or by designee) to the Court and opposing parties with respect to all matters arising during pretrial and trial proceedings;

3. Act as or designate spokespersons for the Class at pretrial conferences and hearings;

4. Coordinate and conduct discovery, pretrial proceedings and trial;

5. Try the case on behalf of plaintiffs and the Class;

6. Conduct and consummate settlement negotiations on behalf of plaintiffs and the Class (as appropriate);

7. Perform such other duties as may be incidental to proper coordination of pretrial and trial activities or as authorized or required by further Order of the Court; and

8. Distribute all notices, orders and decisions of the Court to all plaintiffs' counsel to the extent not communicated directly by the Court.

This Order does not limit the right of other plaintiffs' counsel to be heard on matters not susceptible to joint or common action, or when genuine and substantial divergence of opinion exists among plaintiffs' counsel, provided class counsel is first apprised of such matters.

* * *

O R D E R

IT IS SO ORDERED.

DATED: ________________________ ___________________________________
THE HONORABLE JAMES WARE
UNITED STATES DISTRICT JUDGE

Submitted by:

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CERTIFICATE OF SERVICE

I hereby certify that on July 21, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on July 21, 2008.

s/ BONNY E. SWEENEY

BONNY E. SWEENEY

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Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

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